

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

In re:

TRI-STATE ETHANOL COMPANY, LLC,  
Debtor.

CIV. 07-CV-1003

Bankruptcy No. 03-10194

TRI-STATE FINANCIAL, LLC,  
Appellant,

**TRUSTEE'S MOTION TO  
AMEND HIS  
DESIGNATION OF RECORD**

vs.

JOHN S. LOVALD, Trustee, and  
MURPHY BROTHERS,  
Appellees.

Comes now John S. Lovald, Appellee (hereinafter “Trustee”) and moves the Court for an order allowing him to amend his designation of record filed February 22, 2007 in U.S. Bankruptcy Court. At paragraph 10 of Trustee’ Designation of Record, it inadvertently provides: “Revised Exhibit 4 from Brief in Support of Trustee’s Motion to Approve Settlement with Murphy Brothers (Filed on November 14, 2005 at docket #1623). Upon further review, the Trustee intended to state “Brief in Support of Trustee’s Motion to Approve Settlement with Murphy Brothers including Revised Exhibit 4 (Filed on November 14, 2005 at docket #1623)”. Appellant will not be harmed by this amendment because the Bankruptcy Clerk’s Certificate of Record on Appeal already includes all of docket entry #1623.

Dated: April 16, 2007.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that April 16, 2007, a true and correct copy of the foregoing Trustee's Motion to Amend his Designation of Record was served by electronic mail, upon:

- Courtney R. Clayborne  
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/s/ Patrick T. Dougherty  
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